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January 10, 2025

Via CM/ECF

Hon. Natasha C. Merle, U.S.D.J.
United States District Court
Eastern District of New York

**Re: Singh v. Topline, et al.
25 Civ. 776 (NCM)(VMS)**

Dear Judge Merle:

We see that plaintiff has once again, defaulted on timely filing a reply to our answer and counterclaim and once again has submitted an untimely motion to dismiss on January 9, 2025 (Doc. 44).

On March 26, 2025, we filed an amended answer and counterclaim, as of right (Doc. 13), it was *never* answered. On September 10, 2025, Chief Mag. Judge Vera Scanlon noted on the docket that plaintiff was in default and must answer by September 22nd, i.e., almost six months later.

On November 13, 2025, defendants filed their second amended answer. Once again plaintiff failed to answer. On December 9th, I wrote Judge Scanlon (Doc. 41) informing her that plaintiff is in default, his answer was due December 4th. I stated that we do not object to plaintiff now submitting a late reply, but would object to preparing an untimely motion to dismiss. *See*, Rule 12(b).

Judge Scanlon held a status conference on December 18, 2025, in which she ordered plaintiff to file a reply by December 24, 2025. Once again and for the third time, plaintiff defaulted. On December 31st, plaintiff asked for more time to reply *seven days after he defaulted*. Judge Scanlon's Individual Rule II.B. states: "All requests for adjournment of conferences or extensions of time must be filed as motions on ECF no later than 2 business days in advance of the conference date or deadline." Further, before defendants could oppose this application, Judge Scanlon, *sua sponte*, on January 2, 2026, granted plaintiff still another extension to January 8, 2026, to file a reply.

Given all of plaintiff's blatant flouting of this Court's rules, I respectfully request that this Court deny plaintiff's proposed motion on procedural grounds and require a reply be filed within a week.

Should your Honor deny this reasonable request, I ask for time to respond to the substance of plaintiff's motion.

Thank you and happy new year.

Very truly yours,

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cc: Emanuel Kataev, Esq.